

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
1:25-cv-00391-CCE-LPA**

JOSHUA STOW, SHARONE BUNN,  
AND TIARA LOFTON, individually and  
behalf of all others similarly situated,

Plaintiffs,

v.

ACTIVEHOURS, INC. d/b/a EARNIN,

Defendant.

**DECLARATION OF NAKIA  
BLACKWELL IN SUPPORT OF  
MOTION TO COMPEL  
ARBITRATION**

I, Nakia Blackwell, declare:

1. I have been employed by Activehours, Inc. d/b/a Earnin (“EarnIn”) as a Paralegal since June 20, 2023. In my role I am responsible for, among other things, retrieving EarnIn official documents and policies. In support of this declaration, I personally retrieved true and correct copies of certain EarnIn Terms of Service in place since September 2021. I make the statements in this declaration based on my personal knowledge of the matters set forth below and based upon my review of EarnIn’s records that are maintained in the ordinary course of business. If called as a witness, I could and would testify competently to the matters stated herein.

2. I submit this declaration in support of EarnIn’s Motion to Compel Arbitration in the above action.

**EarnIn’s Terms of Service**

3. In connection with this declaration, I personally retrieved a copy of EarnIn’s Terms of Service in place from September 22, 2021 to October 30, 2022 (the “September 2021 ToS”). A true and correct copy of EarnIn’s September 2021 ToS is attached hereto as **Exhibit A**.

4. In connection with this declaration, I personally retrieved a copy of EarnIn's Terms of Service in place from April 10, 2023 to November 22, 2023 (the "April 2023 ToS"). A true and correct copy of EarnIn's April 2023 ToS is attached hereto as **Exhibit B**.

5. In connection with this declaration, I personally retrieved a copy of EarnIn's Terms of Service in place from November 23, 2023 to January 25, 2024 (the "November 2023 ToS"). A true and correct copy of EarnIn's November 2023 ToS is attached hereto as **Exhibit C**.

6. I have access to the repository where EarnIn tracks and logs users who opt out of EarnIn's arbitration provision. I have reviewed the Plaintiffs' records and confirmed that they have not opted out of arbitration.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief. Executed on this 17th day of July, 2025 in

Richmond Virginia.

/s/   
Nakia Blackwell

### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was electronically filed on this day with the Clerk of Court using the CM/ECF system which will automatically send notice of the same addressed to all counsel of record.

This the 17th day of July, 2025.

/s/ Stephen V. Carey

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